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OFFICE OF PETITIONS

In re Application of Bryan et al.
Application No. 10/579,111
Filing Date: May 11, 2006
Attorney Docket No. 21561P

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Decision on Petition

This is a decision on the petition under 37 CFR 1.181 filed May 5, 2008, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a non-final Office action including a requirement for restriction/election on June 21, 2007. The Office action set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later).

The Office did not receive a reply to the June 21, 2007 Office action. As a result, a Notice of Abandonment was mailed March 17, 2008.

Petitioner contends the June 21, 2007 Office action was never received.

A review of the record indicates the evidence is sufficient to establish non-receipt of the June 21, 2007 Office action. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 1648 will be informed of the instant decision and the examiner will review the May 5, 2008 response to the restriction requirement filed by petitioner in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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